IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELALTE JURISDICTION

SECOND APPEAL NO.74 OF 2004

Shri.Louis Anthony Disouza & Ors. .. Appellants

V/s

Shri.Balu Raghunath Mali .. Respondents

Mr.Prasad S.Dani for the Appellants.
Mr.G.S.Godbole for Respondent No.1.

CORAM : DR.S.RADHAKRISHNAN,J.

DATE : 13TH JUNE, 2006.

P.C.:

1. Heard the learned Counsel for the Appellants and the learned Counsel for Respondent No.1. By this Appeal, the Appellants are challenging the order dated 31st July, 2003, whereby the lower Appellate Court had allowed the Appeal and the order and decree passed by the Trial Court in Special Civil Suit No.162 of 2001 has been set aside. However, the lower Appellate Court had not specifically passed the order of reviving of the suit. The learned Counsel for the Appellants and the learned Counsel for Respondent No.1 categorically agree that the Special Civil Suit No.162 of 2001 shall stand revived.

2. The learned Counsel for the Appellants seeks leave to implead Respondent No.2 herein as Defendant No.2 in the said Special Civil Suit No.162 of 2001.

Leave is granted to implead Mr.Kiran Tulshiram Bhamre as Defendant No.2 in Special Civil Suit No.162 of 2001. Amendment to be carried out within a period of 12 weeks from today in the said plaint. Having regard to the facts and circumstances of the case, the hearing of the Special Civil Suit No.162 of 2001 which is pending before the Civil Judge, Senior Division, Nashik is expedited. The same shall be disposed of as expeditiously as possible preferably within a period of one year. In view of the same, nothing further survives in the above Appeal. The same stands disposed of accordingly.

(DR.S.RADHAKRISHNAN,J.)